

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIGUEL RIVERA-HERRERA,

Plaintiff,

v.

KILOLO KIJAKAZI, acting
Commissioner of Social Security,

Defendant.

CASE NUMBER: 1:20-cv-01326-GSA

**ORDER DENYING STIPULATED
EXTENSION IN PART**

(Doc. 17)

The parties stipulate to a 37-day extension of the briefing schedule due to increased case volume. This is the first extension sought by either party in this matter.

The Scheduling Order allows for a single extension of 30 days by the stipulation of the parties. Doc. 5 at 3. Beyond the single extension by stipulation, “requests to modify [the scheduling] order must be made by written motion and will be granted only for good cause.” *Id.*

The parties’ current filing is not a stipulation for a 30-day extension, nor is it a motion for an extension for cause. Accordingly, it does not fall in either of the two categories contemplated by the scheduling order. Moreover, it would be premature to grant a 37-day extension for cause as the parties have not availed themselves of the 30-day extension provided by the scheduling order as of right.

The Court will construe the current filing as a stipulation for a 30-day extension for which court approval is not required. If the 30-days is insufficient the parties may file a renewed motion for an extension for cause.

Accordingly, it is **ORDERED** that the requested extension, Doc. 17, is **DENIED without prejudice**. Plaintiff’s opening brief is due on or before September 7, 2021. All other deadlines

are adjusted accordingly.

IT IS SO ORDERED.

Dated: August 9, 2021

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE